GOVERNMENT OF MAHARASHTRA

No.SMWP 0409/1091/C.R.161/2/SPL-1-A
Home Department (Special)
Mantralaya Mumbai 400 032.
Dated 21 July, 2009.

To,

Director General of Police, Maharashtra, Mumbai.
Commissioner of Police (All)
District Magistrates (All)
Superintendent of Police (All)

Sub : Quick recovery of compensation caused in cases of damage by individuals or unlawful assemblies.

State Government has ammended the Bombay Police Act, 1951 which deals with compensation for injury caused by Unlawful Assembly. The section prescribes that the amount of compensation determind shall be a tax and shall have to be recovered by the Municipalities/Corporation in urban areas. The term tax has special financial connotation in the Government. The conversion of compensation/fine into a tax needs review by the Finance Department. However, in order to proceed to recover the compensation from those liable for causing damage to property and disburse it to the victims as directed by the Hon'ble High Court, Mumbai, the application of section 51 of the Bombay Police Act, 1951 in letter and spirit is essential.

In order to facilitate quick recovery of compensation caused in cases of damage by individuals or unlawful assemblies, the following procedure is recommended under sub-section 3 of Section 51 of the Bombay Police Act, 1951 until such time as the issue of tax is resolved.

The following procedure for taking action by DMs under sub-section 3 of Section 51 of the Bombay Police Act, 1951 should be carried out:-

(i) If the damage is caused by a pre-announced agitation by a political party, the o0000000rganizer of the agitation shall be held liable for the damage.

(ii) If the damage is caused by sudden outburst of emotions, the Collector/DM shall fix liability on the basis of evidence collected in Police investigation as well as other

evidences such as photograph and Videograph available with either the Media or other sources.

(iii) In case of damage caused by an individual/groups of indivduals [other than the type mentioned in section (i) and (ii)] the procedure to be followed will be the same as in section (ii).

(iv) Assessment/evaluation of the damage done shall be based on the panchnama drawn by investigating officer and Tahsildar jointly.

(v) The Collectors are authorized to open a separate P.L.A. account for deposit of compensation amount and its payment to victims.

(vi) After fixation of responsibility and determination of damage by DM as aforementioned, the Collector shall order the liable organization/individual in writing to deposit the amount in the P.L.A. account of the Collector within the time limit mentioned in the order. Any individual compensation to be paid to the victim shall be from the P.L.A. account.

(vii) If the individuals/organisations failed to deposit the amount as directed under Section (vi) within the prescribed time limit, the Collector shall proceed to recover it as arrears of land revenue.

The aforementioned procedure shall be in force until the issue of tax is resolved and fresh orders issued.

(A. S. GHARGE)
Deputy Secretary to the Government of Maharashtra,
Home Department (Spl.)